

United States on December 5, 2023. The Parties are currently awaiting a decision and will provide the Court with a joint presentation fourteen days after a decision has been issued.

Count II

Subpart F Inclusions Attributable to the ABI Domestic Subsidiaries

At issue in Count II of the Complaint is the calculation of Altria's Subpart F Inclusions attributable to the CFCs owned directly or indirectly by ABI U.S. Subsidiaries. At this time, the Internal Revenue Service review of the computations is ongoing. The Parties still intend to reach resolution on this issue without the Court's intervention.

Count III

Foreign Tax Credit for the Belgian Withholding Tax

Count III of the Complaint arises from an omission on Altria's originally filed income tax return of the foreign tax credit arising from a Belgian withholding tax incurred by Altria. The Parties have reached an agreement in principle as to Count III.

Count IV – Transition Tax

Count IV of the Complaint arises from a computational error on Altria's originally filed federal income tax return related to the transition tax under section 965 of the Internal Revenue Code. At this time, the Internal Revenue Service review of the computations is ongoing. The Parties currently intend to reach resolution on Count IV without the Court's intervention. Altria notes that its position may change, however, depending on the scope of the Supreme Court's decision in *Moore*, where the transition tax is directly at issue.

Respectfully submitted this 28th day of February, 2024.

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202-307-6525 (v) (Shashy)

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CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of February, 2024, I will electronically file the foregoing Joint Status Report with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the attorneys of record.

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